

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

04 OCT 1988

U-WAT 6-6-2

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REPLY TO: 6W-SU

Mr. Allen P. Beinke, Jr.
Executive Director
Texas Water Commission
P.O. Box 13097, Capitol Station
Austin, Texas 78711

RE: Aquifer Exemption Request, Uranium Resources, Inc., Rosita Site.
Permit No. URO2880-001, Duval County

Dear Mr. Beinke:

I am pleased to inform you of the Environmental Protection Agency approval of your request to exempt a portion of the Goliad Formation from the Underground Injection Control program requirements that no fluid may be injected into an Underground Source of Drinking Water (USDW). This approval is based upon the criteria stipulated in 40 CFR 144.7(b), 145.32, and 146.4 containing regulations allowing an aquifer to be exempted if: (a) it is not currently used as a drinking water supply, and (b) it cannot be used as a drinking water source in the future because it is mineral producing or can be shown by a permit applicant to contain minerals that are expected to be commercially producible. This exemption approval will allow injection for in-situ uranium mining only. If injection for other purposes (e.g. hazardous waste disposal) is planned into this aquifer, additional approval will be needed.

The approved exempted portion of the aquifer underlies the Uranium Resources, Incorporated, Rosita Mine Site, in Duval County and is limited to the Lower Goliad Formation. A detailed description of the exempted portion of the aquifer remains in the exemption request and subsequent comment letters.

We also wanted to address three items discussed during the Texas Water Commission (TWC) hearings concerning the Rosita aquifer exemption. These items are, (1) unplugged exploration holes at the site, (2) proposed increase in the size of the aquifer exemption, and (3) an error stated in the public notice concerning the size of the area to be exempted.

Unplugged Exploration Holes

As indicated in our May 18, 1988, letter, we requested the TWC to address necessary corrective action for unplugged exploration holes in the area

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| SURNAME | 6W-SU:9/9/88:HEBERT:kk:MH3/14:FILE CODE: WAT 12-2-5-2 | | | | | |
| DATE | 6W-SU | 6W-SU | 6W-S | 3/21 | | |
| | JOHNSON | WEAVER | CABRA | 9/30 | | |
| EPA Form | 100-107-01-01 | | | | OFFICIAL FILE COPY | |

of review. The reply stated that a pump test must be conducted prior to the submittal of the application for a production area authorization. This will determine which boreholes must be plugged in order to prevent vertical migration. We find this approach acceptable, but request review of the pump test analysis when it becomes available to ensure non-endangerment to USDW's.

Proposed Increase in Exemption Area

We have determined the proposed increase in the exemption area does not increase the likelihood of endangerment to USDW's. The additional area requested remains within the original monitor well ring network.

Error in the Public Notice

We have concluded the initial TWC and EPA reviews were based on the 1,000 acre area, not on the 81 acres under pattern. The proposed exempted area was not changed or enlarged from the maps submitted and the 1,000 acre area is contained within the lease limits. All adjacent land owners were notified, and we have determined the TWC adequately met its public notice requirements.

If you have any questions concerning this approval, please contact me or have your staff contact Mike Hebert at (214) 655-7160. Thank you for your continued cooperation.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

cc: Charles J. Greene, TWC
Dale Kohler, TWC